

REMARKS

This is an amendment filed concurrently with a Request for Continued Examination.

By this Amendment, claim 1 has been amended to more particularly define the range of crystallinity (i.e. from 1.0 to 5.0%), crystallization peak temperature range (i.e. from 135 to 155°C), and total amount of a moiety derived from isophthalic acid or 1,4-cyclohexanedimethanol (from 0.6 to 8.6%). Support for the claim amendments can be readily found variously throughout the specification and the original claims, see, the Examples in the specification (in particular Examples 4, 5, 9, 10 and 15, and the experimental data in Tables 5-7 on pages 72-74 of the specification), and the Comparative Examples (in particular, Comparative Example 4). Thus, claims 1 and 3-20 are currently pending in this application.

In view of this Amendment, Applicants believe that all pending claims are in condition for allowance. Reexamination and reconsideration in light of the above amendments and the following remarks are respectfully requested.

Rejection under 35 U.S.C. §103

Claims 1, 3-8 and 10-20 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over JP 08-174590 (“JP ‘590”) in view of U.S. Patent No. 5,475,037 to Park et al. (Park et al. ‘037”).

The Decision on Appeal of September 8, 2006 sustains the present rejection under 35 U.S.C. §103 on the basis that the rebuttal evidence under 37 C.F.R. §1.132 is “insufficient to overcome the prima facie case of obviousness” and believes that “the data points of Examples 1 and 3 are not representative of the entire claimed range”. In order to address the Board’s concerns in this regard, Applicant has amended claim 1 to more particularly define the range of crystallinity (i.e. from 1.0 to 5.0%), crystallization peak temperature range (i.e. from 135 to 155°C), and total amount of a moiety derived from isophthalic acid or 1,4-cyclohexanedimethanol (from 0.6 to 8.6%) such that the amended ranges as supported by the Examples of the specification are “sufficient to overcome the prima facie case of obviousness”.

Applicant believes that the scope of the amended claims fully reflects the experimental evidence and establishes “that the claimed range is critical since such claimed range as clearly shown by experimental data achieves unexpected results relative to the prior art range”. For example, Examples 9 and 15 establish that the present invention having a crystallinity of 1.0% and 5.0%, respectively, improves the fusion ratio of prepuffs obtained by

using the particles of the present invention to 62 to 93% thereby providing excellent appearance and heat resistance. Likewise, Examples 5, 4, 10 and 9 establish that the present invention having a crystallization peak temperature of 135°C and 154.5°C, respectively, and “at least one moiety of a moiety derived from isophthalic acid (IPA) or a moiety derived from 1,4-cyclohexanedimethanol (CHDM) in a total amount ranging from 0.6 to 8.6% by weight” respectively, also improves the fusion ratio of prepuffs obtained by using the particles of the present invention to 62 to 93% thereby providing excellent appearance and heat resistance. Therefore, it is clear that the present invention provides superior technical advantages not expected based on the teachings and suggestions of the cited references. As the Examiner already knows, presence of a property not possessed by the prior art is evidence of nonobviousness. *In re Papesch*, 315 F.2d 381, 137 USPQ 43 (CCPA 1963).

Thus, for at least these reasons, withdrawal of this rejection is respectfully requested.

CONCLUSION

For the foregoing reasons, all the claims now pending in the present application are believed to be clearly patentable over the outstanding rejections. Accordingly, favorable reconsideration of the claims in light of the above remarks is courteously solicited. If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

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Respectfully submitted,

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